

Court of Appeals, State of Michigan

ORDER

Jinks Carroll Greiner v Geoffrey J Gladstone MD

Docket No. 256719

LC No. 2003-051670-NM

HILDA R. GAGE

Presiding Judge

KATHLEEN JANSEN

PAT M. DONOFRIO

Judges

Pursuant to MCR 7.205(D)(2), the Court orders that the July 7, 2004 order denying defendant's motion for summary disposition is REVERSED. The affidavit of merit filed by plaintiff was insufficient because it was not signed by an expert who one could reasonably believe holds the same board certification as defendant. MCL 600.2912d; MCL 600.2169(1)(b); *Halloran v Bhan*, 470 Mich 572, 577, 578-579; 683 NW2d 129 (2004); *Grossman v Brown*, 470 Mich 593, 596, 598-599; 685 NW2d 198 (2004). Defendant is entitled to judgment as a matter of law. *Geralds v Munson Healthcare*, 259 Mich App 225, 240; 673 NW2d 792 (2003).

The application for leave to appeal is otherwise DENIED.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 4 2005

Date

Sandra Schultz Mengel
Chief Clerk